

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ADAM MAESTAS and DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS OGDEN AIR FORCE LOGISTICS CENTER, HILL
AIR FORCE BASE, UT

*Docket No. 98-496; Submitted on the Record;
Issued February 8, 2000*

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether appellant was totally disabled for work on or after June 30, 1986 due to his January 16, 1976 employment injury.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the October 3, 1997 decision of the Office of the Workers' Compensation Programs' hearing representative, finalized on October 3, 1997, is in accordance with the facts and the law in this case, and hereby adopts the findings and conclusions of the hearing representative.¹

¹ Appellant did not meet his burden of showing that the Office improperly adjusted his compensation to reflect his wage-earning capacity as a copier/duplicating equipment operator or that he was unable to perform the job when he retired on June 30, 1996. The absence of evidence in the record showing that he was required to lift weights exceeding 10 pounds and stand constantly, or that he repetitively performed lifting which exceeded his restrictions or complained to his supervisors or coworkers while he performed the work prevented him from meeting his burden. Further, the medical evidence did not show that appellant underwent a material change in the nature and extent of the injury-related condition either during his employment or when he retired; *see Don J. Mazurek*, 46 ECAB 447, 451 (1995).

The decision of the Office of Workers' Compensation Programs dated October 3, 1997 is hereby affirmed.

Dated, Washington, D.C.
February 8, 2000

George E. Rivers
Member

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member